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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/924,502

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Robert D. Hillhouse

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08/23/2005

FREEDMAN & ASSOCIATES

117 CENTREPOINTE DRIVE

SUITE 350

NEPEAN, ONTARIO, K2G 5X3

CANADA

EXAMINER

NGUYEN, MINH DIEU T

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,502

Applicant(s)

HILLHOUSE, ROBERT D.

Examiner

Minh Dieu Nguyen

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) 4 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3, 5-8 and 11-19 is/are rejected.
7) ☒ Claim(s) 9 and 10 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/3/05.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication dated June 3, 2005 with the amendments to claims 1-2, 5, 6, 8, 11-17 and 19 and the cancellation of claim 4.
2. The amendment to claim 19 has overcome the 112 rejection and the amendment to the specification has been considered and entered.
3. Claims 1-3 and 5-19 are pending.

Response to Arguments

4. Applicant's arguments with respect to claims 1-3 and 5-19 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments focus on the combination of features introduced by the amendment with elements that already existed in the claims. The new material is rendered obvious by Weiss (4,720,860), Yu (WO 00/62458) and Jalili (6,209,104).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
6. Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 11 recites storing data based on the string of characters in *non-volatile* memory. The specifications only disclose "memory", but not "non-volatile" memory as claimed in amended claim 11.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

9. Claim 15 recites the limitation "the known password". There is insufficient antecedent basis for this limitation in the claim.

Specification

10. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: storing data based on the string of characters in *non-volatile* memory (as stated in claim 11).

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

12. Claim 16-19 are rejected under 35 U.S.C. 102(a) as being anticipated by Yu (WO 00/62458).

a) As to claim 16, Yu discloses a method of verifying a dynamic password comprising receiving a password comprising a string of characters wherein the characters are sequenced according to a predetermined sequence of variable parameters and static parameters (page 10, line 30 – page 11, line 3); identifying static parameters within the string of characters; determining dynamic parameters values related to the dynamic parameters in accordance with the predetermined sequence (page 5, lines 18-21; Table 1); comparing static parameters received within the string of characters with previously stored static parameters and the received dynamic parameter within the determined dynamic parameters to determine a first comparison result; wherein upon the first comparison result being indicative of a match, the dynamic password is validated (page 5, lines 10-15).

b) As to claim 17, Yu discloses a method of generating a dynamic password comprising providing for transforming at least a variable parameter into an ordered string of characters (page 10, lines 7-8), wherein the process sometimes results in different ordered strings of characters for a same variable parameter (Table 1; page 8, lines 2-4).

c) As to claims 18-19, Yu discloses the plurality of variable parameters comprises uncontrollably varying parameters (page 3, line 35 – page 4, line 14) and

wherein the predetermined criteria for varying the variable parameters is characteristics of a time frame.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (4,720,860) in view of Yu (WO 00/62458).

a) As to claim 1, Weiss discloses a method and system for the electronic generation and comparison of non-predictable codes comprising providing a process for transforming at least a variable parameter into an ordered string of characters (Abstract), wherein the process sometimes results in different ordered strings of characters for a same variable parameter (col. 6, lines 14-16); providing at least a static parameter (col. 4, lines 1-4) and at least a variable parameter selected from a plurality of variable parameters as a known password (Fig. 1, element 60; col. 4, lines 57-66; col. 6, lines 5-7); determining from data available to an individual and from the known password a static string (Fig. 1, element 40); providing the determined static string as a password for verification (Fig. 1, element 80); and verifying the static string to determine that it is an accurate transformation of the at least a variable parameter according to the

provided process and when the determination is that the transformation is accurate, providing an indication that the password is verified (Fig. 1, element 90).

However, Weiss does not disclose the known password modifiable, as to the selected at least a variable parameter and as to a location and order of the at least a variable parameter within the known password.

Yu discloses a method and system for password algorithm utilizing the characteristics of variables and makes the password changed according to the points in time or location (page 1, lines 28-31). Yu discloses the known password modifiable, as to the selected at least a variable parameter and as to a location and order of the at least a variable parameter within the known password (page 5, lines 1-3; page 8, lines 2-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of modifying password as to the selected at least a variable parameter and as to a location and order of the at least a variable parameter in the system of Weiss as Yu teaches so as to increase the overall security.

b) As to claim 2, Weiss discloses the step of verifying the static string includes performing the process for transforming at least a variable parameter on the known password to determine a second static string (Fig. 1, element 70); comparing the provided static string with the second static string to determine a comparison result (Fig. 1, element 80); and when the comparison result is indicative of a match, providing an indication that the password is verified (Fig. 1, element 90).

c) As to claim 3, Weiss discloses the at least a variable parameter includes an uncontrollably variable parameter (col. 4, lines 54-59).

d) As to claim 5, Weiss discloses the process includes steps of determining from present time data, a current value for a variable parameter relating to time (col. 4, lines 57-59).

e) As to claim 8, Yu discloses the method wherein the known password is provided by a user and the static string is provided by the user (page 4, Table 1, element "inputted password").

15. Claims 6-7 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (4,720,860) in view of Yu (WO 00/62458) and further in view of Jalili (6,209,104).

a) As to claims 6-7, Weiss and Yu do not disclose the steps of providing data image to a user for interpretation and comparing the user's interpretation to a predetermined known interpretation.

Jalili discloses a method and system of secure data entry comprising providing various icons (Fig. 4), serve as an identifiable indicator of an element of the data or password to be entered, to a user for interpretation (col. 7, lines 15-16) and comparing the user's interpretation to a predetermined known interpretation (col. 3, lines 54-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of images associated with password to be entered as Jalili teaches in the system of Weiss and Yu so as to provide a system that is user friendly,

not susceptible to observation during data entry and resistant to interception (col. 2, lines 64-67).

b) As to claims 13-14, Jalili discloses the parameters are selected from a plurality of available parameters and wherein the plurality of available parameters are provided to a user for selecting therefrom (col. 3, lines 46-47) and are each represented by an identifier (col. 7, lines 9-10) and wherein the identifier for a given parameter in one instant is different from the identifier for a same parameter in another instant (col. 7, lines 41-45; col. 9, lines 1-10).

16. Claims 11-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu (WO 00/62458).

a) As to claim 11, Yu discloses a dynamic password algorithm that change the password on a regular pattern (page 1, lines 25-32) by having the user provides a string of characters, the string including indications of at least a parameter from a plurality of parameters, the at least a parameter being a variable parameter variable upon predetermined criteria and receiving the provided string of characters from the user (page 10, line 39 - page 11, line 3; Table 1).

Yu discloses the concept of verifying the provided password with the stored password to determine their accuracy (page 1, lines 13-17). However he does not explicitly disclose storing data in non volatile memory.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of storing data in non volatile memory in the system of Yu so as to maintain its data even when it is not powered.

b) As to claim 12, Yu discloses the step of parsing the provided string of characters to distinguish static data from the at least a variable parameter (page 5, lines 19-21).

c) As to claim 15, Yu discloses the step of extracting and storing static and dynamic data (page 5, lines 10-21; Table 1). However Yu does not disclose hashing the static data.

The examiner takes official notice that hashing is an algorithm quite well-known in the data communications.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of hashing the static data to determine a hash value in the system of Weiss so as to make the data even more secure.

Allowable Subject Matter

17. Claims 9-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

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Minh Dieu Nguyen
Examiner
Art Unit 2137

mdn
8/15/05


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER